IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M.No.21422 of 2006 and
C.W.P No. 19696 of 2006

Date of decision : April 03, 2007.

Purushotam Dass,

.....Petitioner.

Through Mr.Sanjiv Gupta, Advocate

v.

State of Haryana and others,

.....Respondents

Through Mr.Rajiv Raina, Advocate

CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**

2. **To be referred to the Reporters or not ?**

3. **Whether the judgment should be reported in the Digest ?**

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C.M.No.21422 of 2006

This is an application for restoration of the petition which was dismissed on account of non-appearance of counsel for the petitioner.

Counsel for the respondents states that he has no objection if the application is allowed. Accordingly, the application is allowed and the petition is restored to its original number.

C.W.P.No.19696 of 2006

Prayer in the present writ petition is for the issuance of a writ of certiorari for quashing the action of the respondents for not considering the prayer of the petitioner for re-evaluation, and for the issuance of a writ of

mandamus directing the respondents to re-evaluate/re-check paper scripts of the petitioner.

The petitioner sat in an examination for the Haryana Civil Services (Judicial Branch) Examination, 2006, conducted by the Punjab and Haryana High Court. He, however, remained unsuccessful. Upon receipt of the result card, the petitioner filed a representation, dated 9.9.2006 for re-evaluation/re-checking . The Member-cum-Secretary, Selection Committee, HCS (JB), Punjab and Haryana High Court, wrote a letter, dated 21.9.2006, informing the petitioner that upon re-checking of the answer sheets, no discrepancy was found. The petitioner thereafter addressed another communication, dated 4.10.2006, praying that though his prayer for re-checking had been granted, his request for re-evaluation had not been considered.

Counsel for the petitioner contends that the petitioner has an excellent academic record and as per his own evaluation, and on account of his various academic achievements, he could not have failed to clear the HCS (Judicial Branch) Examination. The petitioner passed his matriculation examination in first division, was amongst the toppers in Bachelor of Laws from Delhi University in 1992. In 1992, 1993, 1994 and 1995 he cleared the preliminary as well as main examination for the Indian Administrative Services, the written examinations for the Executive Service in the States of Uttar Pradesh, Madhya Pradesh and Punjab. It is, thus, contended that the petitioner is of the bona fide belief that his papers were deliberately or inadvertently assessed far below than actual worth. It is prayed that in view of these facts, a direction be issued to the respondents to re-evaluate his answer scripts.

We have heard learned counsel for the petitioner and perused the paper book.

Examinations, by their very nature, are fraught with uncertainties. Academic brilliance does not necessarily guarantee success in competitive examinations. The uncertainties of a competitive exam are too well known to narrate. The fact that the petitioner harbours an apprehension that his paper scripts may not have been fairly or correctly evaluated, in the absence of any material in support of these bald assertions, cannot be a ground to direct re-evaluation. In the absence of any cogent or concrete material, to support the vague allegations, we find no reason to entertain the present writ petition. Consequently, the writ petition is dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

(RAJIVE BHALLA)
JUDGE

April 03 , 2007
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